

SECRET

CONFIDENTIAL

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## ATTACHMENT A

In the Trade Register case regarding the GmbH Kleinschanzlin-Odesse in Oschersleben/Bode, HRB No. 71 of the lower court of Oschersleben, the Land Court in Magdeburg at its meeting of 5 May 1947, on the complaints of the Firm Klein, Schanzlin und Becker AG in Frankenthal of 16 December 1946 against the registration of 20 May 1946, decreed:

The entry is annulled in so far as under Section 4 (business heads, personally secured companies, executive committee, terminators) the Province of Saxony has been entered.

The lower court of Oschersleben (register court) will be instructed to remove this entry. For the remainder the claim is rejected. The plaintiff has to bear half the costs. The other half remains without charge.

The value of the claim matter is established at 3000 RM.

Bases

At the request of the president of the Province of Saxony, Main Division of Economy, Division of Guarantees of Economy, of 9 May 1946, in connection with the ordinance issued on the same day, No. 109, the register court, on the basis of the disposition of the recording magistrate of 20 May 1946, entered the following on 21 May 1946 in the trade register:

1. Section 4, Province of Saxony.
2. Section 6, "The president of the Province of Saxony, on the basis of assignments given him by the Soviet Military Administration, has taken over the enterprise under his auspices alone and into the exclusive actual power of disposition of the Province of Saxony."

The plaintiff appealed against this disposition of the register court on the grounds that the entry was inadmissible without a resolution of the company provided by statute for alteration. The complaint is admissible, was presented at the proper time and in the proper form (Paragraphs 142, 20 FGG), and was also justified in part.

The court is not authorized to undertake a pertinent investigation of the act in question. It has only to investigate whether the Province of Saxony is justified to carry out the measure in question. If because of the development of political conditions with their effect on economy, the measure in question appeared necessary, whereby it appeared immaterial whether it was based on a general or special directive of the military administration or merely on recognized legal principles, the measure is not to be contested and is admissible even if a well-established statutory right of the companies is encroached upon. It should not be overlooked that, for example, state support is needed for new construction of a firm cut off by the zone boundary from its business owners or companies. The measure in question can also serve another purpose, as for example protection against inadmissible interference of a third party. If on this account the formal validity is beyond doubt, then the plaintiff can, if desired, bring up pertinent objections through administrative channels only.

However, in this case the entry of "Province of Saxony" made in Section 4 is incorrect. No act of expropriation was connected with the guarantee measures. The measure is not prejudicial to expropriation and can be annulled at any time, if the purpose it serves is fulfilled. Therefore there remains only the entry on "the actual and exclusive power of disposal" in Section 6. The assignment of costs rests on paragraph 81, Section 2, paragraph 24 KoStO.

Signed: Kröpke  
Land Court Director  
L.B.

The Land Court, Civilian Chamber 1b  
signed: Dr. Buhling signed: Henning  
Deputy Judge Deputy Judge  
Dispatched: signed: (signature) Justice employee  
as witness in the business office of the Land Court.

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